

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53386 of 2024

Arising Out of PS. Case No.-179 Year-2023 Thana- RAJEPUR District- East Champaran

1. Madan Rai Son of Late Narsing Rai
2. Pramod Rai @ Pramod Kumar Son of Madan Rai
3. Pawan Devi, Wife of Lalan Rai @ Lalan Ray
all residents of village – Noniman, P.S. - Rajepur, District – East Champaran.
4. Ganesh Rai @ Ram Ganesh Rai Son of Inardeo Rai R/O Vill.- Laxminiya,
P.S.- Shyampur, Bhataha, Dist.- Sheohar.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Umesh Chandra Verma, Advocate Mr.Abhishek Kumar, Advocate
For the Opposite Party/s :		Mrs.Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-08-2024 At the outset, learned counsel for the petitioner seeks permission to make necessary correction in the address of petitioner nos. 1, 2 and 3 at first page of the petition.

2. Request allowed.

3. Heard Mr. Umesh Chandra Verma, learned counsel appearing on behalf of the petitioners and learned A.P.P. for the State.

4. The accused-petitioners, named in the F.I.R. and are apprehending their arrest in connection with Rajepur



P.S. Case No. 179 of 2023 registered for the offences punishable under Sections 447, 341, 323, 324, 307, 379, 354(B), 427, 504, 506, 34 of the Indian Penal Code. They have no criminal antecedent as stated in paragraph '3' of the application.

5. Allegation against the petitioners is to assault the informant and others causing head and bodily injury which may likely to cause their death by using Dabiya, rod etc. where occurrence is alleged to be arising out of land dispute.

6. Mr. Umesh Chandra Verma, learned counsel appearing on behalf of the petitioners submitted that occurrence is of free-fight in nature where petitioners' side also lodged a criminal case against the informant and others. It is submitted that both sides have received injuries during the occurrence as same was free-fight in nature and as such suggesting absence of "intention to cause death" on part of petitioners, which is the prime legal ingredients as to attract a case *prima-facie* under Section 307 of the I.P.C. It is submitted that case of petitioners was registered as Rajepur



P.S. Case No. 164/2023, earlier to this case and just to counter the allegation, the present case was lodged against the petitioners. Explaining injuries, it is submitted by learned counsel for the petitioners that the injury, which alleged to be caused by petitioner nos. 2, 3 and 4 found simple in nature, whereas the injury, which is alleged to be caused by petitioner no. 1 namely, Madan Rai, was not finally opined, but same appears on the non-vital part of the body i.e. leg, which is sufficient to suggest that petitioner no. 1 was also not under intention to cause death, or the injury, as alleged to be inflicted by petitioner no. 1, was not likely to cause death of injured Sunita Devi. It is submitted that all petitioners are of clean antecedent.

7. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

8. In view of the aforesaid factual submissions and by taking note of the fact as occurrence is free-fight in nature, where nature of injuries appears simple and also on non-vital part of the body of injured, which is *prima-facie* not convincing to the fact that same may likely to cause their



death, accordingly, all above-named petitioners, in the event of their arrest/surrender within a period of four weeks from today, are directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate -1st Class, East Champaran, Motihari in connection with Rajepur P.S. Case No. 179 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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